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Notice of Allowability	Application No.	Applicant(s)	
	10/617,767	LEE ET AL.	
	Examiner	Art Unit	
	Christy L. Novacek	2822	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed December 2, 2004.
2. ☒ The allowed claim(s) is/are 1,3-6 and 10-19.
3. ☒ The drawings filed on 14 July 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>10/14/2004</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|--|--|


 AMIR ZADIAN
 SUPERVISOR OF PATENT EXAMINERS
 TECHNICAL STAFF

DETAILED ACTION

This office action is in response to the proposed amendment filed December 2, 2004.

Information Disclosure Statement

The information disclosure statement filed October 12, 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each foreign patent and each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. Applicant has failed to provide any copies of the references listed as “EP 0540994 A1”, “WO 02/31875 A2/A3”. Applicant has also failed to provide any copies of the non-patent literature documents listed as “CHOI, et al.”, “Electrical Characteristics of Pt/SrBi₂Ta₂O₉/Ta₂O₅/Si Using Ta₂O₅ as the Buffer Layer”, “CLAK-PHELPS, et al.”, “WILK, et al.” and “High-k gate dielectrics: Current status and materials properties considerations”. A copy of the reference listed as “Entitled: ‘Engineered tantalum aluminate and hafnium aluminate ALD films for ultrathin...’” has been received; however, the IDS fails to comply with the provisions of 37 CFR 1.98(b)(5) which requires each publication listed to in an IDS to be identified by publisher, author, (whole) title, relevant pages of the publication, date, and place of publication. Therefore, these references have not been considered.

The reference of US 6,407,435 (Ma et al.), which Applicant has listed on their IDS, has already been considered (see PTO-892 mailed March 18, 2004). Therefore, its listing on Applicant’s IDS is superfluous.

Copies of the references listed as “EP 1341217 A2” and “JP 2001-267566” have been included with the IDS and, therefore, these references have been considered.

Response to Amendment

The proposed amendment filed December 2, 2004 places the application in condition for allowance. Therefore, the proposed amendment has been entered.

The limitations added to claim 1 are sufficient to overcome the Ma (US 6,407,435) and Yoon (US 5,688,724) references either alone or in combination. Therefore, the rejections of claims 1, 3-6, 13-15 and 19 are hereby withdrawn.

Allowable Subject Matter

Claims 1, 3-6 and 10-19 are allowed.

The primary reasons for the allowance of claims 1, 3-6 and 10-19 were stated in the office action mailed September 2, 2004.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christy L. Novacek whose telephone number is (571) 272-1839. The examiner can normally be reached on Monday-Thursday and alternate Fridays 7:30 - 5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian can be reached on (571) 272-1852. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2822

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CLN

December 22, 2004


AMIR ZABADIAN
SUPERINTENDING PATENT EXAMINER
ELECTRONIC BUSINESS CENTER 2800